

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE LOTTERY.COM, INC. SECURITIES
LITIGATION

Case No. 1:22-cv-07111 (JLR)

OPINION AND ORDER

JENNIFER L. ROCHON, United States District Judge:

On May 29, 2025, Class Plaintiffs sought leave to file a Fifth Amended Complaint based on Defendants Clemenson’s and Dickinson’s guilty pleas to securities fraud. Dkt. 237. On June 13, 2025, Plaintiff Harold Hoffman (“Hoffman”), proceeding *pro se*, sought leave to file an amended pleading within one week of the amended pleading filed by Class Plaintiffs. Dkt. 240.

“The Court should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2). “Under Rule 15(a)(2), leave to amend should be freely given unless there is ‘any apparent or declared reason — such as undue delay, bad faith, or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, futility of amendment, etc.’” *Metzler Inv. Gmbh v. Chipotle Mexican Grill, Inc.*, 970 F.3d 133, 147 n.4 (2d Cir. 2020) (quoting *Foman v. Davis*, 371 U.S. 178, 182 (1962)). Defendants have not objected to further amendment, and the Court finds no reason to reject Class Plaintiffs’ request. An amended complaint will promote judicial economy by ensuring that the Court is able to consider allegations relating to criminal guilty pleas when resolving anticipated motions to dismiss. The Court therefore grants Plaintiffs’ motion for leave to file an amended complaint, and shall permit Hoffman to file his complaint within one week of the amended pleading filed by Class Plaintiffs.

Class Plaintiffs shall file a Fifth Amended Complaint within 14 days of this Order.

Following the filing of the amended complaint, the parties shall meet-and-confer on a briefing schedule for Defendants' response.

The Clerk of Court is respectfully directed to terminate Dkts. 237 and 240.

Dated: June 16, 2025
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge